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FM AMEMBASSY MANILA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 1124
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS IMMEDIATE
RHHMUNA/CDRUSPACOM HONOLULU HI IMMEDIATE
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TAGS: [PGOV](#) [ECON](#) [KCOR](#) [SOCI](#) [RP](#)
SUBJECT: COURT ACQUITS GENERAL GARCIA OF PERJURY; PLUNDER
CASE TO CONTINUE

REF: A. MANILA 1865
[B. MANILA 1726](#)
[C. 05 MANILA 5647](#)
[D. 05 MANILA 2712](#)

[1](#)1. (U) On May 22, the third division of the Sandiganbayan (anti-graft court) acquitted retired Major General Carlos Garcia of one count of perjury. The charges stemmed from Garcia's failure to disclose three motor vehicles on his mandatory Statement of Assets, Liability and Net worth (SALN). Defense attorneys argued that Armed Forces of the Philippines (AFP) rules did not require Garcia to disclose the vehicles because they were registered in his wife's name. As such, the omission did not constitute a willful misrepresentation. The defense hailed the decision, saying it was "unexpected" considering negative media reports on Garcia.

[1](#)2. (U) Special Prosecutor Dennis Villa-Ignacio pledged to file a motion for reconsideration and said he was willing to elevate the case to the Supreme Court if needed. Villa-Ignacio called the decision a setback to government efforts to prosecute Garcia, the highest military official to face plunder charges. Chief military prosecutor Col. Al Perreras said, however, he does not believe the acquittal in the perjury case will have any bearing on the more serious plunder case before the Sandiganbayan.

[1](#)3. (U) In addition to three other perjury charges pending before the first, second and fourth divisions of the anti-graft court, Garcia faces charges of plunder for stealing millions while he was AFP Comptroller (see ref B). The pre-trial phase of the plunder case is set to begin on May 25. Garcia was convicted in a court martial earlier this year on corruption charges and has been serving a two-year sentence at the PNP Custodial Center since October 18, 2004 (which includes time served while awaiting trial) - see Ref A.

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Kenney